

new Aquino government reported that the new family code introduced in July 1987 was a definite advance over the older, conservative civil code and gave women several legal rights, e.g., "a wife may now engage in a profession even without her husband's permission" and "that her husband is no longer the sole administrator of the couple's property". There are more grounds for annulment of marriage and divorce, and common law wives are given rights to conjugal property. On the other side of the political fence, Gabriela pointed out that liberal as the code seemed, its underlying motivations were the strengthening of the institutions of marriage and the family in which Filipino women are oppressed. Neither does it take into account of the conditions of the majority of poor, toiling, propertyless women and those engaged in sex tourism.

Malaysia, in 1982, introduced a series of progressive laws for non-Muslims which made the registration of marriage compulsory, raised the age of marriage, banned polygamy, gave liberal grounds for divorce and some right over matrimonial property. However, it was pointed out that these laws were full of loopholes which men very easily bypassed. The UBINIG representative from Bangladesh re-emphasised that despite constitutional laws which guarantee equality, the existence of personal laws and the economic and social subordination of women made them easy victims of dupe, pressure, and circumvention of law. The representative from the Lao Women's Union said that the main problem in Laos was polygamy and a lack of knowledge of laws.

Undoubtedly there have been some statutory advances made in the legal position of women. In most countries, polygamy has been banned, registration of marriage made obligatory, bigamy declared a crime, i.e., monogamy has been established to ensure the rights of women as wives. However, guardianship of children, and matrimonial property are two areas which elude women even in the statute books.

A struggle for equality and freedom will have to be conducted in various ways once the question of working within or outside the framework of religion is resolved. A minority of participants suggested that codification of personal laws and positive interpretation of religious texts would aid in bringing reforms. Others, pointed to the dangers of using religious interpretations over secular, rational arguments. Conflicting interpretations can quite easily be made. A Chhatra Yuva Sangarsh Vahini (India) member said that the starting point of women's struggles should be their perception of themselves as primarily human beings and not as members of a religion or community.

Saheli (India) called for a just and equal uniform civil code applicable to all women. Vimochana suggested a dual process of reforms in personal laws and an optional common code. The process of evolving new laws should not be left to legal experts but involve all sections and

communities of women. This, as the Women's Action Forum representative, pointed out could only be done if women's organisations put aside their non-political stance and struggle for a democratic society as well as get more involved in the daily lives of all women.

Defenders of Sati

Sujata Patel

Krishna Kumar

If the spate of media articles in the wake of the Deorala incident is any indication, modernist Indians find themselves unable to understand the traditional way of life. In consequence the crime is rationalised, the event mystified and the growth of public opinion restricted.

FOLLOWING the Deorala incident, there has been a spate of articles which apply the crude categories of 'tradition' versus 'modernity' to justify 'sati' and its glorification. Condemnation of 'sati', according to these articles, expresses the inability of modernist Indians to understand the traditional way of life. Ashis Nandy's article in the *Indian Express*, Patrick Harrigan's in *The Statesman*, and Banwari's in *Jansatta*, represent a dangerous trend in contemporary thinking on institutions like 'sati'. They advocate a false schema built around the popular dichotomy of tradition and modernity. According to this schema, tradition is represented by the rural, illiterate masses, and modernity is represented by the urban elite. With the help of this classification, the writers we have named try to divert our attention towards issues like the relevance of tradition and its mutilation by modernisation. Their analysis of the socially sanctioned murder of a woman shifts the focus away from the culpability of the state and society to this crime, to the culpability of the 'modern mind'. They make no attempt to evaluate the nature and dimensions of women's oppression, which the Deorala incident encapsulates. Instead, they make criminals out of the modern mind and the women's movement.

This kind of analysis restricts the growth of public opinion which could otherwise help to prevent such acts in future. These authors rationalise the crime, and ultimately become allies of Roop Kanwar's family, her caste community, and the state which justified the crime through conscious inaction. Ashis Nandy, who ostensibly has some sympathy for the women's movement, also falls in this trap because he cannot free himself from the tradition-modernity dualism. The implications of his analysis make him ride the same horse which chauvinist Rajputs are riding in their condemnation of modern womanhood and the women's

movement. We believe that the only test of determining allegiance to a barbarous act like 'sati' is whether one accepts it or condemns it totally. This is the only test through which one can assert human concern. There can be no justification for sophistry to avoid such assertion against inhumanity. Ultimately, it is the assertion of those human values which militate against acts like 'sati' which can decide who is feudal and who is modern.

Nandy justifies 'sati' as an act of tremendous courage which draws its inspiration from a great Indian tradition. He sees Roop Kanwar's violent death as a symbol and reaffirmation of the great tradition in the face of modern forces. Patrick Harrigan, an American social scientist based in Madurai, echoes this point of view when he contends that the Deorala 'sati' is a reconfirmation of the purity and essence of tradition. For both Nandy and Harrigan, modernity is a demon who destroys the simple and efflorescent characteristics of a traditional society.

It seems that the lessons taught by a host of critiques which questioned the lumping together of large periods of history into one monolithic 'tradition' have not been learnt by Harrigan. But even this need not have desensitised such a 'keen' student of tradition so much as to believe that there were no atrocities, no caste tensions, and no social violence in tradition. One need not be a historian to be aware of this, or a sociologist to recognise that 'sati' was a crime of the same genre as other social creches and violence endemic in our history. If we agree with Harrigan to condemn bride-burning because it fits in with his conception of urban India, and accept 'sati' because it is rural, we ignore the vital fact that both these are manifestations of our society's oppression of its women. The moot question is: "Why does Indian society continue to oppress its women?"

Nandy's article does not provide an answer either. Rather, it mystifies the Deorala event by equating it with the fast-unto-death by a Jain renouncer, and with Vinoba Bhawe's death. He also equates it with the communal violence experienced in Delhi and Meerut. Nandy does not treat the Deorala 'sati' as a mere event which can be reduced to a debate on its voluntary or involuntary nature. He recognises that the incident indicated a deep malaise in society, but he cannot bring himself to examine it except through the framework of tradition-versus-modernity. This is why he cannot condemn it in a summary manner. Instead, he spends a significant portion of his statement on expressing his anger over what he calls the 'modern elite' which condemns 'sati' but not the death of a Jain muni and Vinoba Bhawe. He refuses to recognise that neither of these two belonged to a group of oppressed individuals, nor that they had suffered no loss of status. More crucially, death was not forced upon them by the lack of societal alternatives in terms of status, wealth, and social legitimacy, had they not died. If Nandy recognised the oppression of women, he would not equate such deaths with 'sati', let alone condemn the 'modern mind' for protesting against 'sati'.

Banwari's articles appeared in *Jansatta* following two editorials which had argued that the urban intelligentsia had no business protesting against 'sati', for it did not know nor had it understood the beliefs of ordinary people. Belief in 'sati' is linked to belief in rebirth, the paper had argued; therefore, people who regard their present life as the only chance they have can never understand Roop Kanwar's act. In his series on man-woman relations, Banwari elaborated the premise which the earlier editorials had used, namely that the Indian society had two clear-cut sections, identifiable as the westernised intelligentsia and the masses. He further identified the masses as the representatives of indigenous ways of thinking. The educated few and the state were labelled as forces of westernisation. The final article in the series posed a choice between the two kinds of forces. In this 'Mahabharat' between the humane ideas of our tradition and the demonic ideas of the west, the article said, each reader will have to make his own choice.

Two of the ideas picked by *Jansatta* and Banwari in the context of 'sati' are of special interest to us. One is the idea that secular beliefs are opposed to Indian ways of thinking; the other is the view that the Indian state is a westernising force. The first idea builds on a stereotype of the 'masses'. Interestingly, the stereotype is one we normally regard as a western view. According to, this stereotype, Indian

masses are steeped in religiosity, traditions, and an other-worldly view of life. Among the consumers of this stereotype, one would have to include many established Indian social scientists, and also the Indian state. Sociology, economics, and political science are taught in Indian universities largely in terms that are reflected in this stereotype of Indian masses. Documents of state policy on subjects like education and rural development also indicate an acceptance of the stereotype.

The *Jansatta* articles inadvertently accept the stereotype but give it a positive value. The articles ask us to perceive the alleged religiosity and traditionality of the masses as 'good' things. The positive value placed upon these characteristics is sought to be justified on the ground that they are Indian qualities. This is where the second idea, that the Indian state is a westernising force, comes into play. One evidence offered for this claim is the place of secular beliefs in the Indian state's policies. From a secular viewpoint, the sources of human happiness or misery are within this world. Secular policy demands that the state will create material and social conditions under which *any* man or woman can live self-respectfully, irrespective of the religious beliefs and traditions of the community to which he or she might belong. The act of 'sati' conflicts with this demand. For one thing, 'sati' reflects a dismal view of a woman's life after her husband has died. It also opens up the possibility of coercion in the name of a community's belief system. Finally, it seeks legitimisation from the belief in the possibility of a life after death. Such a belief is obviously opposed to the this-worldly emphasis of a secular outlook. The *Jansatta* editorials and Banwari's

articles use precisely these aspects of 'sati' to glorify it and to denigrate the state as a westernising force.

These articles show how easy it is to use values as means to persuade people to look at facts differently. Once we agree to perceive the belief-system underlying 'sati' in a positive light, we become amenable to ignoring the coercion and violence it necessarily involves. And if the positive value of the belief in 'sati' can be shown as a symptom of patriotism, surely this adds lustre to the act, completely hiding its coldblooded, barbaric dimensions.

We are witnessing the old game through which revivalist thought has survived in India for these last one hundred years. The game asks us to treat patriotism as the great backdrop against which all events of life need to be seen. Patriotic rhetoric provides the game with legitimacy, and the masses supply it the required symbolic data. Elements of the Indian intelligentsia who play this game can hardly be said to be after power. All they are doing is to keep alive a position that allows others to pursue power.

The Indian state thrives not because it is alien to the masses, but because it has been able to propagate among the masses a flawed strategy of modernisation as the only one possible. Education, health, and the equality of man and woman have received a nasty drubbing in this strategy. The state, however, has managed to convince many people that it is rightfully busy accomplishing other more important things. So if the daughter-in-law of a teacher is killed in the name of 'sati', and the killing is glorified amidst lakhs of people, no one sees it as a failure of education and other agencies of modernisation. Laying it at the door of tradition is useful both for the state and its revivalist critics.

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